

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

CERTAIN UNDERWRITERS AT LLOYD'S,  
LONDON, SEVERALLY SUBSCRIBING TO  
CERTIFICATE NO. 20346

PLAINTIFF

VS.

CIVIL ACTION NO. 5:07-cv-142(DCB)(JMR)

G&G, LLC

DEFENDANT

ORDER

This cause is before the Court on the defendant, G&G, LLC's motion to stay (**docket entry 28**). Having carefully considered the motion and response, and being fully advised in the premises, the Court finds as follows:

On June 5, 2008, the plaintiff ("Underwriters") filed a supplemental motion for summary judgment on the issue of bad faith. The defendant responded with the present motion to stay, contending, in part, that the plaintiff's motion is premature because the parties have agreed to reserve the issue of bad faith until after the Court has ruled on the parties' cross-motions for summary judgment on the coverage issue. The Court finds that the motion is not premature; however, the Court also finds that the motion to stay should be granted for the following reasons:

Mississippi law allows for the joinder of a bad faith claim with an action seeking a declaratory judgment as to coverage. The issues are intimately connected where "the nucleus of the bad faith claim [is] the spirit of [the insurer's] reliance upon its defense

of no coverage." Martin v. Travelers Indem. Co., 450 F.2d 542, 554 (5<sup>th</sup> Cir. 1971). The Court will not consider the bad faith claim until it has ruled on the coverage issue; furthermore, the Court's ruling on the coverage issue could impact the parties' positions on the bad faith issue. To prevent the possibility of unnecessary briefing, the defendant's response shall be due ten days from the Court's ruling on the coverage issue. The Court is aware that trial of this case is set for September 22, 2008, and anticipates a timely ruling on all motions for summary judgment, so that a continuance of the trial date will not be necessary. Accordingly,

IT IS HEREBY ORDERED that the defendant, G&G, LLC's motion to stay (**docket entry 28**) is GRANTED;

FURTHER ORDERED that the defendant's response to the plaintiff's supplemental motion for summary judgment on the issue of bad faith shall be due ten days from the Court's ruling on the coverage issue.

SO ORDERED, this the 23rd day of June, 2008.

/s/ David Bramlette  
UNITED STATES DISTRICT JUDGE